

REMARKS

In the Office Action, the Examiner rejected claims 4-6, 9, 14, 23, 24, 26, 30, 38, 39, 41 and 45 under 35 U.S.C. §112, first paragraph. Specifically, the Examiner was uncertain as to “what term in the equation represents the ‘percent of individual patient response’, and what term in the equation represents the ‘response factor’”. Claims 1-50 were also rejected on the basis of obvious-type double patenting over claims 1-15 of U.S. Patent No. 6,267,116. Finally, claims 5 and 18 were objected to based upon certain typographical errors.

In the present amendment, the typographical errors of claims 5 and 18 have been corrected.

Regarding the rejection under Section 112, first paragraph, the Examiner is kindly directed to the factor “LV” of the subject equation which includes both the *percent of individual patient response* which is then multiplied by *a response factor*. See e.g., specification at 6 and/or claim 5. Specifically, the factor “LV” is defined as follow: $LV = \{(\underline{\text{RESPONSE}} \times \text{CAD}) \times [(1+D) - (1+E)]/\text{abs}(1+D)\}/1.3^{(\text{CAD}/\text{HIGH})}$. Therefore, when read in this light, it is clear that the specification did properly disclose the invention as claimed.

A terminal disclaimer has been entered.

Therefore, in view of the above amendments and remarks, Applicant respectfully submits that the application is now in proper form for allowance. Such action is respectfully requested.

Respectfully submitted,



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